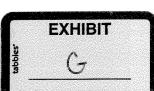
1 2 3 4 5 UNITED STATES DISTRICT COURT 6 SOUTHERN DISTRICT OF OHIO 7 WESTERN DIVISION 8 9 HENRY WILLIAMS, 10 Plaintiff, 11 VS. : CASE NO. C-1-02-533 12 MILTON CAN COMPANY, INC. and 13 BWAY MANUFACTURING, 14 Defendants. 15 16 17 DEPOSITION 18 of GREGORY JAHNIGEN, taken before me, Kathy J. Nicholson, 19 Registered Professional Reporter and Notary Public in and 20 for the State of Ohio at large, as on cross-examination, 21 at the Hampton Inn, 858 Eastgate North Drive, in the City 22 of Batavia, County of Clermont, and State of Ohio, on 23 Tuesday, the 28th day of October, 2003, beginning at 9:04 24 o'clock, a.m. 25

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1	APPEARANCES:	
2	On behalf of the Plaintiff:	
3	WILL ALLEN, ESQ.	
4	CASPER & CASPER One N. Main Street	
5	P.O. Box 510 Middletown, OH 45042	
6	On behalf of the Defendant:	
7	DAVID BLACK, ESQ. DINSMORE & SHOHL	
8	1900 Chemed Center 255 East Fifth Street	
9	Cincinnati, OH 45202	
10	ALSO PRESENT: JOHN MCMAHAN, HENRY WILLIAMS	
11		
12	INDEX OF EXAMINATION	
13	Name of Witness Gregory E. Jahnigen	
14		
15	Cross-Examination by Mr. Allen	
16		
17		
18	INDEX OF EXHIBITS	
19	NO EXHIBITS MARKED	
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23		
24		
25		

1	1 A. Yes.	
2	2 Q. In the course of do	oing your job, do you
3	3 occasionally get to that area	1?
4	A. Yes.	
5	5 Q. Would you consider	that to be a fairly well
6	6 traveled area?	
7	7 A. Yes.	
8	8 Q. Both by pedestrians	and fork trucks?
9	9 A. Yes.	
10	Q. Would you do you	know what a blind corner is?
11	A. Yes, sir.	
12	Q. Would you also agre	e that the corner formed by
13	.3 the doorway exiting out to the	e dock area is a blind
14	4 corner?	
15	5 A. Yes.	
16	Q. And how about the co	orner of the building?
17	7 A. Both corners are bl:	ind.
18	Q. Okay. Do you know a	at the time of Jake's injury,
19	9 do you know what a bull's eye	mirror is?
20	O A. Yes.	
21	Q. Convex mirror, kind	of gives you a broader view?
22	A. Kind of fish eye loc	king thing?
23	Q. Exactly. Do you kno	w if there were any bull's
24	eye mirrors posted anywhere in	the vicinity of that area?
25	A. Not that I'm aware o	f.

1	A. Not personally.
2	Q. What about things that you have heard from other
3	employees?
4	A. Only things related to rumor or things that were
5	brought to me.
6	Q. Any other rumors or things that were brought to
7	you that we haven't already talked about?
8	A. No, sir.
9	Q. Did you ever have occasion to speak to members
10	of management about Bob's unsafe operation?
11	A. I believe I did.
12	Q. Do you remember who that was?
13	A. May have been Brian McGraph. May have been Mike
14	Conley, both of whom were Brian McGraph was plant
15	manager. Mike Conley used to be the HR guy.
16	Q. Regardless of who it was, you do recall speaking
17	to management about your concerns of Bob Francia's
18	operation of fork trucks?
19	A. Yes.
20	Q. Do you remember generically, not verbatim, but
21	what the substance of that conversation was?
22	A. It was just related things that I had heard.
23	Q. Do you recall if any of those conversations, the
24	substance of which was something's got to be done, it's
25	only a matter of time before he strikes someone?

Probably, or at least that there are concerns 1 being brought regarding speed or carelessness. 2 Those conversations would have occurred prior to 3 the incident involving Jake? 4 5 Α. Yes. Do you know if there were any qualifications to 6 7 drive fork trucks besides passing this training course? 8 Α. I believe you had to have a valid Ohio driver's 9 license in order to be granted a fork truck license. 10 Okay. Do you know if the fork trucks at the time of Jake's injury had mirrors on them, side view 11 12 mirrors, rear view mirrors? 13 I believe they did. Α. 14 Do they now? Ο. 15 Yes, they do. Α. 16 Q. Again, from the benefit of depositions 17 yesterday, I learned in certain portions of the plant, there are aisleways dedicated for pedestrian traffic? 18 19 Α. Yes. 20 And there are aisleways dedicated, well, maybe not dedicated, because I'm sure employees have to cross 21 from one pedestrian way to another --22 23 Α. Yes. 24 Q. -- but that there are marked lanes for fork 25 trucks?